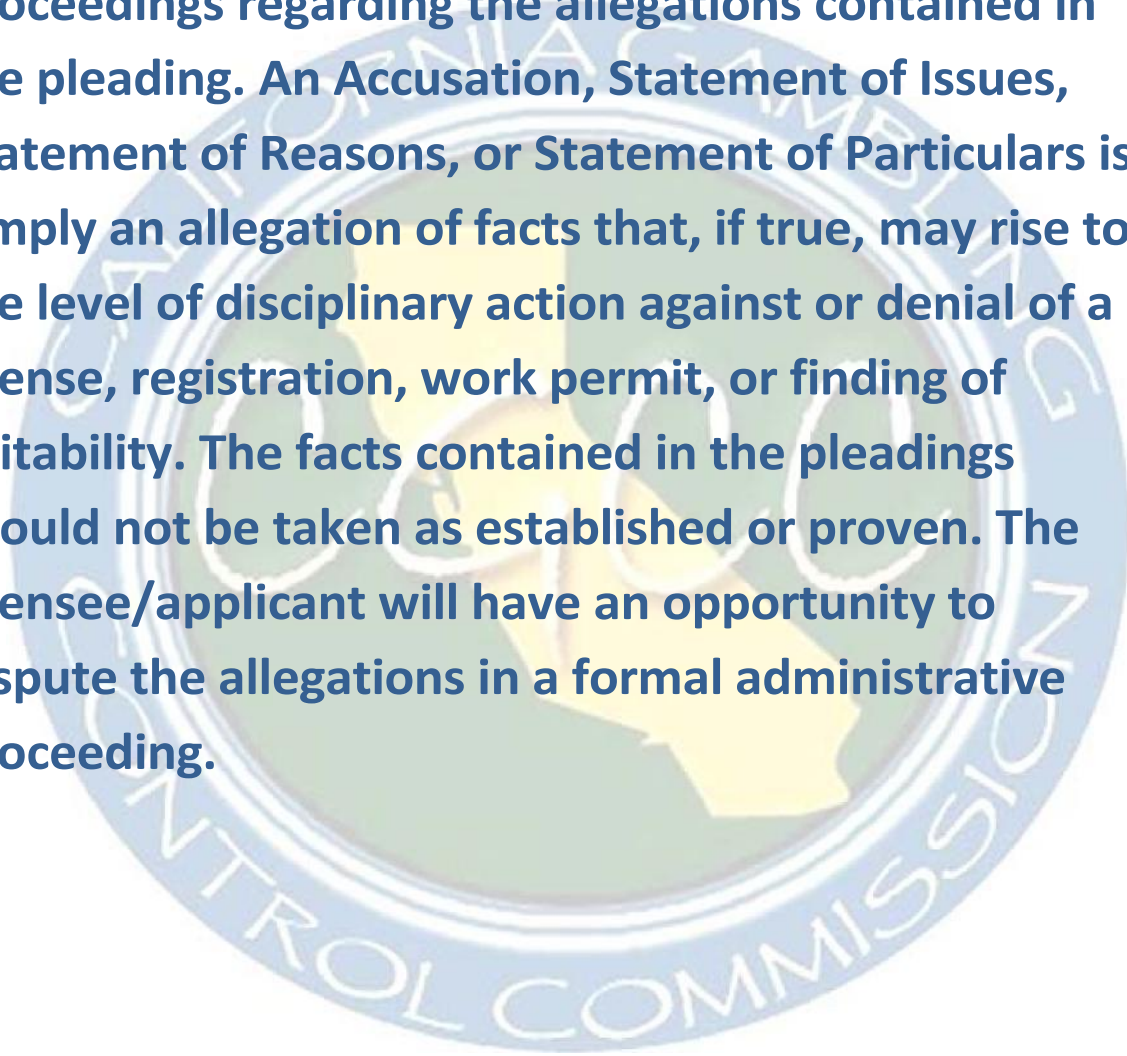


The Commission is providing a copy of this pleading (Accusation, or Statement of Reasons, Statement of Particulars, or Statement of Issues) so the public is as informed as possible of pending administrative proceedings regarding the allegations contained in the pleading. An Accusation, Statement of Issues, Statement of Reasons, or Statement of Particulars is simply an allegation of facts that, if true, may rise to the level of disciplinary action against or denial of a license, registration, work permit, or finding of suitability. The facts contained in the pleadings should not be taken as established or proven. The licensee/applicant will have an opportunity to dispute the allegations in a formal administrative proceeding.



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**BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

DELTA C, LP, license number GEOW-003148, sole owner of and doing business as
Kings Card Club (GEGE-001313);

Delta CM, Inc. – General Partner:
Tigran Marcarian – President/Shareholder
Richard Shindle – Director/Shareholder
Tracey Kennedy – Shareholder
James Mullins – Secretary/Shareholder
Kerry Mullins – Shareholder

Delta Fore, LLC – A California Limited Liability Company:
Richard Shindle – Managing Member
Tracey Kennedy – Member
James Mullins – Member
Kerry Mullins – Member

Tigran Marcarian – Limited Partner

Chant Manoukian – Limited Partner

6111 West Lane, Suite 103
Stockton, CA 95210

Respondents.

BGC Case No. HQ2020-00004AC

OAH No.

ACCUSATION

1 Complainant alleges as follows:

2 **PARTIES**

3 1. Stephanie Shimazu (Complainant) brings this Accusation solely in her official
4 capacity as the Director of the California Department of Justice, Bureau of Gambling Control
5 (Bureau).

6 2. Respondent Delta C, LP, license number GEOW-003148, is a limited
7 partnership and does business as Kings Card Club (Casino). The Casino is an 11-table card
8 room located at 6111 West Lane, Suite 103, Stockton, California.

9 3. Delta C, LP 's partners are respondents Delta CM, Inc. (license number GEOW-
10 003796), Delta Fore, LLC (license number GEOW-003778), Tigran Marcarian (GEOW-
11 003143), and Chant Manoukian (license number GEOW-003767). Respondent Delta CM,
12 Inc.'s shareholders are respondents Tigran Marcarian (license number GEOW-003896),
13 Richard Shindle (license number GEOW-003773), Tracey Kennedy (license number GEOW-
14 003770), James Mullins (license number GEOW-003772), and Kerry Mullins (license number
15 GEOW-003771). Delta Fore, LLC's members are Richard Shindle (license number GEOW-
16 003774), Tracey Kennedy (license number GEOW-003776), James Mullins (license number
17 GEOW-003775), and Kerry Mullins (license number GEOW-003781). Delta C, LP and its
18 direct and indirect owners are referred to collectively as "Respondents" in this Accusation.¹

19 4. Delta C, LP and the other Respondents are endorsed on the Casino's State
20 Gambling License, license number GEGE-001313.

21 5. The California Gambling Control Commission (Commission) issued the above-
22 described licenses to Respondents pursuant to the Gambling Control Act (Act) (Bus. & Prof.
23 Code, § 19800 et seq.).

24
25
26
27
28 ¹ Some Respondents have multiple license numbers resulting from their multiple direct
or indirect ownership interests in Delta C, LP.

1 **JURISDICTION, STANDARD OF PROOF, AND COST RECOVERY**

2 6. The Commission has jurisdiction over the operation and concentration of
3 gambling establishments and all persons and things having to do with operation of gambling
4 establishments. (Bus. & Prof. Code, § 19811, subd. (b).)² The Commission has all powers
5 necessary and proper to fully and effectually carry out the policies and procedures of the Act.
6 (Bus. & Prof. Code, § 19824.) The Commission’s responsibilities include assuring that no
7 unqualified person, or any person “whose operations are conducted in a manner that is inimical
8 to the public health, safety, and welfare” has any direct or indirect material involvement with a
9 licensed gambling operation. (Bus. & Prof. Code, § 19823, subd. (a)(2).)

10 7. The Act tasks the Bureau with, among other responsibilities, monitoring the
11 conduct of licensees, investigating suspected violations of the Act, and initiating disciplinary
12 actions. (Bus. & Prof. Code, §§ 19826, subds. (b), (c), (e), 19930, subd. (b).) Upon the Bureau
13 filing an accusation, the Commission proceeds under Government Code section 11500 et seq.
14 (Bus. & Prof. Code, § 19930, subd. (b); see Cal. Code Regs., tit. 4, § 12554, subd. (a).) The
15 Commission’s disciplinary powers include, among other things, license revocation, license
16 suspension, imposing a condition on a license, and requiring payment of a fine or monetary
17 penalty. (Bus. & Prof. Code, § 19930, subd. (c); Cal. Code Regs., tit. 4, § 12554, subd. (d).)

18 8. In an accusation brought under the Act, the standard of proof is the
19 preponderance of the evidence. (Cal. Code Regs., tit. 4, § 12554, subd. (c).)

20 9. In a matter involving discipline of a license, the Bureau may recover its costs of
21 investigation and prosecuting the proceeding. (Bus. & Prof. Code, § 19930, subd. (d).)

22 **THE DUTY TO OPERATE IN A SUITABLE MANNER TO PROTECT PUBLIC**
23 **HEALTH, SAFETY, AND GENERAL WELFARE**

24 10. The Act is an exercise of the police power of the state intended to protect the
25 public’s health, safety and general welfare. The Act is to be liberally interpreted to effectuate
26 that purpose. (Bus. & Prof. Code, § 19971.) The Act requires comprehensive regulation to

27 _____
28 ² The statutes and regulations applicable to this Accusation are quoted in pertinent part
in Appendix A.

1 maintain the public trust that permissible gambling will not endanger the public health, safety,
2 and general welfare. (Bus. & Prof. Code, § 19801, subd. (g).)

3 11. The Act requires that all gambling establishments be operated in a manner
4 suitable to protect the public health, safety, and general welfare. The responsibility for
5 employing and maintaining suitable methods of operation rests with the owners. (Bus. & Prof.
6 Code, § 19920.) The failure to meet this responsibility constitutes grounds for license
7 revocation. (*Ibid.*) No owner licensee shall operate a card room in violation of the Act or any
8 regulation adopted pursuant to the Act. (Bus. & Prof. Code, § 19922.)

9 **COVID-19 EMERGENCY AND THE GOVERNOR'S ORDERS**

10 12. The United States is in the midst of an unprecedented public health crisis with
11 the worldwide COVID-19 Pandemic (Pandemic) caused by the SARS-CoV-2 virus (Virus).
12 Like the rest of the country, California is in the grip of this Pandemic. According to data
13 available on <https://covid19.ca.gov> (as of October 14, 2020), the Virus has infected more than
14 855,000 people and killed more than 16,500 in California.

15 13. In response to the Pandemic, on March 4, 2020, the Governor proclaimed a state of
16 emergency to exist as result of the threat of the spread of the Virus. On March 20, 2020, the
17 Governor issued Executive Order N-33-20,³ which incorporated the directives of the state's
18 Public Health Officer issued under the California Health and Safety Code.

19 14. To combat the spread of the Virus, the Governor also issued Executive Order N-
20 60-20, requiring closure of many California businesses, including licensed gambling
21 establishments (card rooms).⁴

22 15. The executive orders issued by the Governor require that all California residents
23 heed the guidance and directives of the state's Public Health Officer. Government Code section
24 8665 provides that any person who violates or who refuses or willfully neglects to obey an

25 _____
26 ³ Executive Order N-33-20 is available at <https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf>.

27 ⁴ A copy of Executive Order N-60-20 may be viewed at:
28 <https://www.gov.ca.gov/wp-content/uploads/2020/05/5.4.20-EO-N-60-20.pdf>

1 executive order shall be guilty of a misdemeanor that upon conviction shall be punishable by a
2 fine. Health and Safety Code section 120275 provides that any person who violates or who
3 refuses or willfully neglects to obey an order of any health officer in the state is guilty of a
4 misdemeanor. Pursuant to the Governor's executive orders, all California card rooms,
5 including the Casino, are required to be closed. While some closures are being lifted by the
6 Governor, partially or in phases, no card rooms, including the Casino, have been permitted to
7 resume full operations indoors. Some card rooms, including the Casino, are limited to outdoor
8 operations. The Pandemic continues.

9 16. Effective August 21, 2020, the Commission issued emergency regulations
10 requiring all card rooms, including the Casino, to prepare and maintain an emergency sanitation
11 plan associated with any virus. (Cal. Code Regs., tit. 4, § 12371, subd. (g).) The Commission's
12 emergency regulations require every card room, including the Casino, to follow all federal,
13 state, or local laws or other requirements imposed by entities with jurisdiction over the card
14 room. (*Ibid.*)

15 17. In the interest of public health and allowing the card room industry an option to
16 resume operations safely, the Commission and the Bureau worked with the Governor's Office,
17 the California Department of Public Health (Public Health), and the Department of Industrial
18 Relations to outline requirements for those card rooms that choose to conduct gambling
19 outdoors temporarily. On September 9, 2020, Public Health and the Division of Occupational
20 Safety and Health (Cal/OSHA) issued guidelines for card rooms that choose to conduct
21 gambling outdoors: "Covid-19 Industry Guidance: Outdoor Operation of Cardrooms" (Outdoor
22 Guidelines).⁵ Per the Statewide Public Health Officer Order, effective August 31, 2020 (Public
23 Health Order),⁶ card rooms must follow the Outdoor Guidelines issued to preserve public

24 ⁵ A copy of this document may be viewed at:
25 <https://files.covid19.ca.gov/pdf/guidance-outdoor-cardrooms--en.pdf>

26 ⁶ A copy of this document may be viewed at:
27 https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/8-28-20_Order-Plan-Reducing-COVID19-Adjusting-Permitted-Sectors-Signed.pdf
28

1 health, safety, and general welfare.⁷ On the same date, the Commission advised all card rooms
2 that they “must come into compliance with all outdoor gambling requirements as soon as
3 possible, but no later than Monday, September 28, 2020.”⁸

4 18. California’s Blueprint for a Safer Economy provides revised criteria for loosening
5 and tightening restrictions on activities, including at the Casino, based on the prevalence of the
6 Virus in each county. (See fn. 7, *supra*.) In “red-tier” counties where transmission of the Virus
7 is “Substantial,” such as in the county where the Casino is located, the Casino can open
8 outdoors only with modifications as provided in the Outdoor Guidelines. (*Ibid.*)

9 **THE BUREAU’S OCTOBER 2, 2020 EMERGENCY LETTER OF WARNING AND**
10 **THE BUREAU’S OCTOBER 15, 2020 EMERGENCY ORDER**

11 19. Since at least September 28, 2020, Respondents operated the Casino in a way that
12 threatened the public health, safety, and general welfare. The Casino’s so-called outdoor
13 facility was open to the public, but did not comply with, and violated, the Public Health Order
14 and the Outdoor Guidelines. On October 2, the Bureau issued an Emergency Letter of Warning
15 to the Casino’s designated agent detailing the Casino’s failure to comply with the Outdoor
16 Guidelines. Exhibit 1 to this Accusation is a true copy of the Emergency Letter of Warning.
17 On October 15, 2020, after the Casino failed to take corrective action, Complainant issued, and
18 the Bureau served, an Emergency Order on Respondents pursuant to Business and Professions
19 Code section 19931. Exhibit 2 to this Accusation is a true copy of the Emergency Order. The
20 Emergency Order directed the Casino to immediately suspend and cease any and all indoor and
21 outdoor gambling and gambling-related activities at the Casino and close the gambling
22 establishment. The Emergency Order advised Respondents of its right to a hearing.

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24
25 ⁷ See the State of California’s COVID-19 site “Blueprint for a Safer Economy” which
26 provides county variances for reopening at: <https://covid19.ca.gov/safer-economy/>

27 ⁸ A copy of the Commission’s advice may be viewed at:
28 <http://www.cgcc.ca.gov/documents/enabling/2020/COVID19/09.09.2020%20-%20Notice%20to%20Industry%20-%20Outdoor%20Gambling.pdf>

1 **CAUSE FOR DISCIPLINE**

2 **(Failing To Protect the Public Health, Safety, and General Welfare)**

3 20. Respondents' licenses are subject to discipline because Respondents operated the
4 Casino in violation of the Public Health Order, the Outdoor Guidelines, and the Commission's
5 emergency regulations (collectively, Laws). The Laws were issued to protect the public health,
6 safety, and general welfare of California's citizens. By operating the Casino without complying
7 with the Laws, Respondents put the public at risk. Additionally, while acting in violation of the
8 Laws, Respondents operated the Casino in a manner that threatened, and failed to protect, the
9 public health, safety and general welfare.

10 (Bus. & Prof. Code, §§ 19857, 19920, 19922; Cal. Code Regs., tit. 4, §§ 12568, subd. (c)(3),
11 12371, subd. (g); Gov. Code, § 8665; Health & Saf. Code, § 120275.)

12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein
14 alleged, and that following the hearing, the Commission issue a decision:

15 1. Disciplining State Gambling License Number GEOW-003148, issued to Delta C.
16 LP., including suspension or revocation as appropriate;

17 2. Disciplining State Gambling License Number GEOW-003796, issued to Delta
18 CM, Inc., including suspension or revocation as appropriate;

19 3. Disciplining State Gambling License Numbers GEOW-003143 and GEOW-
20 003896, issued to Tigran Marcarian, including suspension or revocation as appropriate;

21 4. Disciplining State Gambling License Numbers GEOW-003773 and GEOW-
22 003774, issued to Richard Shindle, including suspension or revocation as appropriate;

23 5. Disciplining State Gambling License Numbers GEOW-003770 and GEOW-
24 003776, issued to Tracey Kennedy, including suspension or revocation as appropriate;

25 6. Disciplining State Gambling License Numbers GEOW-003772 and GEOW-
26 003775, issued to James Mullins, including suspension or revocation as appropriate;

27 7. Disciplining State Gambling License Numbers GEOW-003771 and GEOW-
28 003781, issued to Kerry Mullins, including suspension or revocation as appropriate;

1 8. Disciplining State Gambling License Number GEOW-003778, issued to Delta
2 Fore, LLC, including suspension or revocation as appropriate;

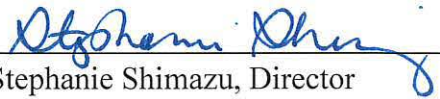
3 9. Disciplining State Gambling License Number GEOW-003767, issued to Chant
4 Manoukian, including suspension or revocation as appropriate;

5 10. Imposing fines or monetary penalties against Respondents, according to proof and
6 to the maximum extent allowed by law;

7 11. Awarding Complainant the costs of investigation and costs of bringing this
8 Accusation before the Commission, pursuant to Business and Professions Code section 19930,
9 subdivisions (d) and (f), in a sum according to proof; and

10 12. Taking such other and further action as the Commission may deem appropriate.

11
12 Dated: October 19, 2020


Stephanie Shimazu, Director
Bureau of Gambling Control
California Department of Justice

APPENDIX A – STATUTORY AND REGULATORY PROVISIONS

1. Business and Professions Code, section 19801 provides, in part:

(h) Public trust and confidence can only be maintained by strict comprehensive regulation of all persons, locations, practices, associations, and activities related to the operation of lawful gambling establishments and the manufacture and distribution of permissible gambling equipment.

(i) All gambling operations, all persons having a significant involvement in gambling operations, all establishments where gambling is conducted, and all manufacturers, sellers, and distributors of gambling equipment must be licensed and regulated to protect the public health, safety, and general welfare of the residents of this state as an exercise of the police powers of the state.

* * *

(k) In order to effectuate state policy as declared herein, it is necessary that gambling establishments, activities, and equipment be licensed, that persons participating in those activities be licensed or registered, that certain transactions, events, and processes involving gambling establishments and owners of gambling establishments be subject to prior approval or permission, that unsuitable persons not be permitted to associate with gambling activities or gambling establishments Any license or permit issued, or other approval granted pursuant to this chapter, is declared to be a revocable privilege, and no holder acquires any vested right therein or thereunder.

2. Business and Professions Code section 19811 provides, in part:

(b) Jurisdiction, including jurisdiction over operation and concentration, and supervision over gambling establishments in this state and over all persons or things having to do with the operations of gambling establishments is vested in the commission.

3. Business and Professions Code section 19823 provides:

(a) The responsibilities of the commission include, without limitation, all of the following:

(1) Assuring that licenses, approvals, and permits are not issued to, or held by, unqualified or disqualified persons, or by persons whose operations are conducted in a manner that is inimical to the public health, safety, or welfare.

1 (2) Assuring that there is no material involvement, directly or
2 indirectly, with a licensed gambling operation, or the ownership or
3 management thereof, by unqualified or disqualified persons, or by
4 persons whose operations are conducted in a manner that is inimical to
the public health, safety, or welfare.

5 (b) For the purposes of this section, "unqualified person" means a
6 person who is found to be unqualified pursuant to the criteria set forth in
7 Section 19857, and "disqualified person" means a person who is found to
be disqualified pursuant to the criteria set forth in Section 19859.

8 4. Business and Professions Code section 19824 provides, in part:

9 The commission shall have all powers necessary and proper to enable
10 it fully and effectually to carry out the policies and purposes of this
chapter, including, without limitation, the power to do all of the following:

11 * * *

12 (b) For any cause deemed reasonable by the commission, . . . limit,
13 condition, or restrict any license, permit, or approval, or impose any fine
14 upon any person licensed or approved. The commission may condition,
15 restrict, discipline, or take action against the license of an individual owner
endorsed on the license certificate of the gambling enterprise whether or
not the commission takes action against the license of the gambling
enterprise.

16 * * *

17 (d) Take actions deemed to be reasonable to ensure that no ineligible,
18 unqualified, disqualified, or unsuitable persons are associated with
controlled gambling activities.

19 5. Business and Professions Code section 19825 provides:

20 The commission may require that any matter that the commission is
21 authorized or required to consider in a hearing or meeting of an
22 adjudicative nature regarding the denial, suspension, or revocation of a
23 license, permit, or a finding of suitability, be heard and determined in
24 accordance with Chapter 5 (commencing with Section 11500) of Part 1 of
25 Division 3 of Title 2 of the Government Code.
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27
28

1 6. Business and Professions Code section 19826 provides, in part:

2 The department⁹] . . . shall have all of the following responsibilities:

3 * * *

4 (b) To monitor the conduct of all licensees and other persons having a
5 material involvement, directly or indirectly, with a gambling operation or
6 its holding company, for the purpose of ensuring that licenses are not
7 issued or held by, and that there is no direct or indirect material
8 involvement with, a gambling operation or holding company by ineligible,
unqualified, disqualified, or unsuitable persons, or persons whose
operations are conducted in a manner that is inimical to the public health,
safety, or welfare.

9 (c) To investigate suspected violations of this chapter or laws of this
10 state relating to gambling

11 * * *

12 (e) To initiate, where appropriate, disciplinary actions as provided in
13 this chapter. In connection with any disciplinary action, the department
14 may seek restriction, limitation, suspension, or revocation of any license or
approval, or the imposition of any fine upon any person licensed or
approved.

15 7. Business and Professions Code section 19855 provides, in part:

16 [E]very person who, by statute or regulation, is required to hold a state
17 license shall obtain the license prior to engaging in the activity or
occupying the position with respect to which the license is required.

18 8. Business and Professions Code section 19856 provides, in part:

19 (a) The burden of proving his or her qualifications to receive any
20 license is on the applicant.

21 (b) An application to receive a license constitutes a request for a
22 determination of the applicant's general character, integrity, and ability
to participate in, engage in, or be associated with, controlled gambling.

23 (c) In reviewing an application for any license, the commission
24 shall consider whether issuance of the license is inimical to public
25 health, safety, or welfare, and whether issuance of the license will
26 undermine public trust that the gambling operations with respect to
27 which the license would be issued are free from criminal and dishonest
28 elements and would be conducted honestly.

28 (h.) ⁹ "Department" refers to the Department of Justice. (Bus. & Prof. Code, § 19805, subd.

1 9. Business and Professions Code section 19857 provides:

2 No gambling license shall be issued unless, based on all the
3 information and documents submitted, the commission is satisfied that
4 the applicant is all of the following:

5 (a) A person of good character, honesty and integrity.

6 (b) A person whose prior activities, criminal record, if any,
7 reputation, habits, and associations do not pose a threat to the public
8 interest of this state, or to the effective regulation and control of
9 controlled gambling, or create or enhance the dangers of unsuitable,
10 unfair, or illegal practices, methods, and activities in the conduct of
11 controlled gambling or in the carrying on of the business and financial
12 arrangements incidental thereto.

13 (c) A person that is in all other respects qualified to be licensed as
14 provided in this chapter.

15 10. Business and Professions Code section 19920 provides:

16 It is the policy of the State of California to require that all
17 establishments wherein controlled gambling is conducted in this state
18 be operated in a manner suitable to protect the public health, safety,
19 and general welfare of the residents of the state. The responsibility for
20 the employment and maintenance of suitable methods of operation
21 rests with the owner licensee, and willful or persistent use or toleration
22 of methods of operation deemed unsuitable by the commission or by
23 local government shall constitute grounds for license revocation or
24 other disciplinary action.

25 11. Business and Professions Code section 19922 provides:

26 No owner licensee shall operate a gambling enterprise in violation
27 of any provision of this chapter or any regulation adopted pursuant to
28 this chapter.

12. Business and Professions Code section 19924 provides:

Each owner licensee shall maintain security controls over the
gambling premises and all operations therein related to gambling, and
those security controls are subject to the approval of the commission.

13. Business and Professions Code section 19930 provides, in part:

(b) If, after any investigation, the department is satisfied that a license,
permit, finding of suitability, or approval should be suspended or revoked, it
shall file an accusation with the commission in accordance with Chapter 5

1 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
2 Government Code.

3 (c) In addition to any action that the commission may take against a
4 license, permit, finding of suitability, or approval, the commission may also
5 require the payment of fines or penalties. However, no fine imposed shall
6 exceed twenty thousand dollars (\$20,000) for each separate violation of any
7 provision of this chapter or any regulation adopted thereunder.

8 (d) In any case in which the administrative law judge recommends that
9 the commission revoke, suspend, or deny a license, the administrative law
10 judge may, upon presentation of suitable proof, order the licensee or
11 applicant for a license to pay the department the reasonable costs of the
12 investigation and prosecution of the case.

13 (1) The costs assessed pursuant to this subdivision shall be fixed
14 by the administrative law judge and may not be increased by the
15 commission. When the commission does not adopt a proposed decision
16 and remands the case to the administrative law judge, the administrative
17 law judge may not increase the amount of any costs assessed in the
18 proposed decision.

19 (2) The department may enforce the order for payment in the
20 superior court in the county in which the administrative hearing was
21 held. The right of enforcement shall be in addition to any other rights
22 that the division may have as to any licensee to pay costs.

23 (3) In any judicial action for the recovery of costs, proof of the
24 commission's decision shall be conclusive proof of the validity of the
25 order of payment and the terms for payment.

26 * * *

27 (f) For purposes of this section, "costs" include costs incurred for any
28 of the following:

(1) The investigation of the case by the department.

(2) The preparation and prosecution of the case by the Office of
the Attorney General.

14. Business and Professions Code section 19931 provides:

(a) The department may issue any emergency orders against an
owner licensee or any person involved in a transaction requiring prior
approval that the department deems reasonably necessary for the
immediate preservation of the public peace, health, safety, or general
welfare.

1 (b) The emergency order shall set forth the grounds upon which
2 it is based, including a statement of facts constituting the alleged
3 emergency necessitating the action.

4 (c) The emergency order is effective immediately upon issuance
5 and service upon the owner licensee or any agent of the licensee
6 registered with the department for receipt of service, or, in cases
7 involving prior approval, upon issuance and service upon the person
8 or entity involved, or upon an agent of that person or entity authorized
9 to accept service of process in this state. The emergency order may
10 suspend, limit, condition, or take other action in relation to the license
11 of one or more persons in an operation without affecting other
12 individual licensees, registrants, or the licensed gambling
13 establishment. The emergency order remains effective until further
14 order of the commission or final disposition of any proceeding
15 conducted pursuant to subdivision (d).

16 (d) Within two calendar days after issuance of an emergency
17 order, the department shall file an accusation with the commission
18 against the person or entity involved. Thereafter, the person or entity
19 against whom the emergency order has been issued and served is
20 entitled to a hearing which, if so requested, shall commence within 10
21 business days of the date of the request if a gambling operation is
22 closed by the order, and in all other cases, within 30 calendar days of
23 the date of the request. On application of the department, and for good
24 cause shown, a court may extend the time within which a hearing is
25 required to be commenced, upon those terms and conditions that the
26 court deems equitable.

18 15. California Government Code section 8665, provides:

19 Any person who violates any of the provisions of this chapter or
20 who refuses or willfully neglects to obey any lawful order or regulation
21 promulgated or issued as provided in this chapter, shall be guilty of a
22 misdemeanor and, upon conviction thereof, shall be punishable by a
23 fine of not to exceed one thousand dollars (\$1,000) or by imprisonment
24 for not to exceed six months or by both such fine and imprisonment.

23 16. California Health and Safety Code section 120275, provides:

24 Any person who, after notice, violates, or who, upon the demand
25 of any health officer, refuses or neglects to conform to, any rule, order,
26 or regulation prescribed by the department respecting a quarantine or
27 disinfection of persons, animals, things, or places, is guilty of a
28 misdemeanor.

1 17. California Code of Regulations, title 4, section 12371, provides, in part:

2 (a) A gambling enterprise must prepare and maintain an emergency
3 sanitation plan. The emergency sanitation plan must be activated if the
4 operating gambling establishment is subject to a state of emergency or
5 other order and that state of emergency or other order is associated with a
6 virus and includes an isolation, stay-at-home, telework, teleconferencing,
7 or physical distancing order(s).

8 * * *

9 (g) Compliance with the requirements of this section does not
10 exempt a gambling enterprise from any other federal, state, or local laws
11 or other requirements imposed by entities with jurisdiction over the
12 enterprise.

13 18. California Code of Regulations, title 4, section 12554 provides, in part:

14 (a) Upon the filing with the Commission of an accusation by the
15 Bureau recommending revocation, suspension, or other discipline of a
16 holder of a license, registration, permit, finding of suitability, or approval,
17 the Commission shall proceed under Chapter 5 (commencing with section
18 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

19 * * *

20 (c) The Administrative Law Judge and Commission shall base their
21 decisions on written findings of fact, including findings concerning any
22 relevant aggravating or mitigating factors. Findings of fact shall be based
23 upon a preponderance of the evidence standard. The “preponderance of the
24 evidence standard” is such evidence as when considered and compared
25 with that opposed to it, has more convincing force, and produces a belief in
26 the mind of the fact-finder that what is sought to be proved is more likely
27 true than not true.

28 (d) Upon a finding of a violation of the Act, any regulations adopted
pursuant thereto, any law related to gambling or gambling establishments,
violation of a previously imposed disciplinary or license condition, or laws
whose violation is materially related to suitability for a license,
registration, permit, or approval, the Commission may do any one or more
of the following:

(1) Revoke the license, registration, permit, finding of
suitability, or approval;

(2) Suspend the license, registration, or permit;

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* * *

(5) Impose any fine or monetary penalty consistent with
Business and Professions Code sections 19930, subdivision (c), and
19943, subdivision (b)

19. California Code of Regulations, title 4, section 12568, subdivision (c), provides, in
part:

A state gambling license, finding of suitability, or approval granted
by the Commission . . . and an owner license for a gambling
establishment if the owner licensee has committed a separate violation
from any violations committed by the gambling establishment shall be
subject to revocation by the Commission on any of the following
grounds:

* * *

(3) If the Commission finds the holder no longer meets any
criterion for eligibility, qualification, suitability or continued
operation, including those set forth in Business and Professions
Code section 19857, 19858, or 19880, as applicable, or

(4) If the Commission finds the holder currently meets any of
the criteria for mandatory denial of an application set forth in
Business and Professions Code sections 19859 or 19860.

EXHIBIT 1



BUREAU OF GAMBLING CONTROL
2450 Del Paso Road, Suite 100
Sacramento, CA 95834
Telephone: (916) 830-0000

EMERGENCY LETTER OF WARNING

October 2, 2020

Tigran Z. Marcarian, Owner
Kings Casino
611 West Lane, #103
Stockton, CA 95210

RE: Violations of the California Department of Public Health's Guidelines – Kings Casino

Dear Mr. Marcarian:

On October 2, 2020, the California Department of Justice, Bureau of Gambling Control (Bureau), conducted an unannounced compliance site visit at Kings Cardroom in Stockton, CA. Kings Casino is in violation of the California Department of Public Health's Guidelines.

Violation

California Department of Public Health COVID-19 Industry Guidance: Outdoor Operations of Cardrooms, Page 11

"Outdoor operations may be conducted under a canopy or other sun shelter as long as no more than one side is closed, allowing sufficient outdoor air movement. Any barriers or other solid structures used to create a gaming area perimeter can be no higher than three feet. Mesh fencing or other materials that maintain adequate outdoor air flow may be used with no height restriction."

Findings

On October 2, 2020, Field Representative Kerry Davis conducted a site visit at Kings Casino. Field Representative Davis observed Kings Casino to be operating their outdoor gaming on an outside patio. The patio is enclosed by three solid walls and the fourth wall is the cardroom building itself.

On September 9, 2020, the California Gambling Control Commission (Commission) issued a letter to the cardroom industry members regarding outdoor gambling. It states:

"The Gambling Control Act and subsequent Commission and Bureau of Gambling Control (Bureau) regulations never contemplated cardrooms conducting gambling in an outdoor environment, but don't expressly prohibit outdoor gambling. As such, in the interest of public health and allowing the cardroom industry an option to safely resume operations, the Commission and Bureau worked with the Governor's Office, California Department of Public Health, and the Department of Industrial Relations to outline requirements for those cardrooms that choose to temporarily conduct outdoor gambling. The Outdoor Operations of Cardrooms guidelines (Outdoor Guidelines) were released earlier today. Per the Statewide

Public Health Officer Order (Order) released on July 13, 2020, cardrooms **must** follow the guidelines issued in order to preserve public health, safety, and welfare.”

It further states:

“If a cardroom has been conducting outdoor gambling prior to today, assuming all local requirements are met and outdoor gambling is allowed for that specific cardroom per California’s Blueprint for a Safer Economy, those cardrooms can continue to conduct outdoor gambling, however, those cardrooms previously conducting outdoor gambling must come into compliance with all outdoor gambling requirements as soon as possible, but no later than Monday, September 28, 2020.”

On September 9, 2020, the California Department of Public Health (CDPH) released a document titled, “COVID-19 Industry Guidance: Outdoor Operations of Cardrooms” and provided specifications for a cardroom’s outdoor gaming area, as noted above in the violations section of this letter.

If a cardroom is in a county designated in either the widespread (purple) or substantial (red) tiers pursuant to the Blueprint for a Safer Economy, it can open outdoor only with modifications.

On October 2, 2020, Field Representative Davis conducted a site visit at Kings Casino and observed their gaming area to be surrounded by three solid walls and the casino building comprised the fourth solid wall.

Response Required

Please respond via email immediately from the receipt of this letter explaining in detail what corrective actions have been taken to bring the Kings Casino into compliance and continue compliance with the cited government rules, regulations, and/or laws. If applicable, please ensure that any employee named in this Emergency Letter of Warning are notified of the violation. Submit your response to Special Agent in Charge Jamin Teague at jamin.teague@doj.ca.gov.

The aforementioned violation and/or continued violations of any applicable governing ordinance, regulations and/or law may result in disciplinary action against Kings Casino. In addition, the Commission may take the violation into consideration when determining whether to revoke, deny, approve, or impose conditions on a license. Any action taken by the Commission does not preclude identification of the violations as grounds for disciplinary action in any subsequent proceeding initiated by the Bureau pursuant to Business and Professions Code section 19930 or 19931.

If you have any questions regarding this Emergency Letter of Warning, please contact Field Representative Davis at (916) 830-9018 or at kerry.davis@doj.ca.gov.

Sincerely,



JAMIN TEAGUE, Special Agent in Charge
Compliance and Enforcement Section

For XAVIER BECERRA
Attorney General

EXHIBIT 2

1 XAVIER BECERRA
Attorney General of California
2 SARA J. DRAKE
Senior Assistant Attorney General
3 WILLIAM P. TORNGREN
Supervising Deputy Attorney General
4 PARAS H. MODHA
Deputy Attorney General
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6 P.O. Box 944255
Sacramento, CA 94244-2550
7 Telephone: (916) 210-7777
Fax: (916) 327-2319
8 E-mail: Paras.Modha@doj.ca.gov
Attorneys for Complainant
9

10 **BEFORE THE**
11 **CALIFORNIA GAMBLING CONTROL COMMISSION**
12 **STATE OF CALIFORNIA**

13 **In the Matter of the Emergency Order re:**

14 **DELTA C, LP**, license number GEOW-
003148, sole owner of and doing business as
15 **Kings Card Club** (GEGE-001313);

16 Delta CM, Inc. – General Partner:
Tigran Marcarian – President/Shareholder
17 Richard Shindle – Director/Shareholder
Tracey Kennedy – Shareholder
18 James Mullins – Secretary/Shareholder
19 Kerry Mullins – Shareholder

20 Delta Fore, LLC – A California Limited
Liability Company:
21 Richard Shindle – Managing Member
Tracey Kennedy – Member
22 James Mullins – Member
23 Kerry Mullins – Member

24 Tigran Marcarian – Limited Partner

25 Chant Manoukian – Limited Partner

26 6111 West Lane, Suite 103
27 Stockton, CA 95210

Respondents.

BGC Case No. HQ2020-00004AC

EMERGENCY ORDER
(Bus. & Prof. Code, § 19931)

1 **EMERGENCY ORDER**

2 **TO: DELTA C, LP, license number GEOW-003148, sole owner of and doing**
3 **business as Kings Card Club (GEGE-001313)**

4 STEPHANIE SHIMAZU, solely in her official capacity as Director of the California
5 Department of Justice, Bureau of Gambling Control (Bureau), HEREBY ORDERS, that
6 DELTA C, LP, License Number GEOW-003148 (Owner), doing business as Kings Card Club,
7 Gambling Establishment Number GEGE-001313 (Casino), its partners, Delta CM, Inc., Delta
8 Fore, LLC, Tigran Marcarian, and Chant Manoukian, the shareholders of Delta CM, Inc.,
9 members of Delta Fore, LLC, and any entity or individual operating under or endorsed upon
10 License Number GEOW-003148 or Gambling Establishment Number GEGE-001313 shall,
11 EFFECTIVE IMMEDIATELY:

12 1. Suspend and cease any and all indoor and outdoor gambling and gambling-
13 related activities at the Casino and close the gambling establishment. The Casino must remain
14 closed for all indoor and outdoor gambling-related activities in accordance with this Emergency
15 Order's provisions.

16 2. With the Bureau's prior written consent, the Casino may resume outdoor
17 gambling and gambling-related activities and reopen the gambling establishment if, and only
18 for so long as, all of the following conditions are met:

19 a. Unless the Bureau determines or directs otherwise in writing, the Casino
20 shall submit a plan for reopening its outdoor gambling and gambling-related activities
21 (Reopening Plan), as well as any other required documents, to both the Bureau and the
22 California Gambling Control Commission (Commission), as contemplated in the
23 California Department of Public Health (CDPH) and the Division of Occupational
24 Safety and Health (Cal/OSHA) publication "Covid-19 Industry Guidance: Outdoor
25 Operation of Cardrooms" issued on September 9, 2020 (Outdoor Guidelines), or any
26 amendments to it.¹

27 _____
28 ¹ A copy of this document may be viewed at:
<https://files.covid19.ca.gov/pdf/guidance-outdoor-cardrooms--en.pdf>

1 b. The Reopening Plan and other documents submitted pursuant to CDPH
2 and Cal/OSHA guidance shall, to the greatest extent feasible, be consistent with any
3 guidance promulgated by CDPH, Cal/OSHA, and any other state or local agency, before
4 the Casino may reopen for business.

5 c. The Casino shall abide by all laws, regulations, and orders, including,
6 without limitation, any further orders and guidance from CDPH, Cal/OSHA, the
7 Commission, the Bureau, and any other state or local agency. This specifically includes,
8 but is not limited to, any emergency regulations that may be adopted by the
9 Commission.

10 d. The Casino shall abide by and obey immediately any future order to
11 cease or modify its operations for public health reasons.

12 **GROUND FOR THIS EMERGENCY ORDER**

13 **Jurisdiction – Licensure**

14 1. Owner owns and operates, and does business as the Casino. Owner's partners
15 are Delta CM, Inc., Delta Fore, LLC, Tigran Marcarian, and Chant Manoukian. Delta CM,
16 Inc.'s shareholders are Tigran Marcarian, Richard Shindle, Tracey Kennedy, James Mullins,
17 and Kerry Mullins, and Delta Fore, LLC's members are Richard Shindle, Tracey Kennedy,
18 James Mullins, and Kerry Mullins, who are endorsed on the Casino's state gambling license.
19 The Casino is a 11-table card room presently operating at 6111 West Lane, Suite 103, Stockton,
20 California.

21 2. The Commission issued the above-described licenses.

22 **Factual Basis – Failure to Protect the Public Health, Safety, and General Welfare**

23 3. In March 2020, the Governor of the State of California (Governor) proclaimed a
24 state of emergency in response to the SARS-CoV-2, also known as the COVID-19, pandemic
25 (Pandemic). Under his emergency authority, the Governor issued several executive orders,
26 including Executive Order N-60-20, to protect the public health, safety, and welfare by
27 requiring closure of many California businesses, including licensed gambling establishments
28

1 (card rooms).² The executive orders issued by the Governor require that all California residents
2 heed the guidance and directives of the state public health officer. Government Code section
3 8665 provides that any person who violates or who refuses or willfully neglects to obey an
4 executive order shall be guilty of a misdemeanor and on conviction shall be punishable by a
5 fine. Pursuant to the Governor's executive orders, all California card rooms, including the
6 Casino, are required to be closed. While some closures are being lifted by the Governor,
7 partially or in phases, the Casino is not permitted to reopen legally indoors. The Pandemic
8 continues.

9 4. In the interest of public health and allowing the card room industry an option to
10 safely resume operations, the Commission and the Bureau worked with the Governor's Office,
11 the CDPH, and the Department of Industrial Relations to outline requirements for those card
12 rooms that choose to temporarily conduct gambling outdoors. On September 9, 2020, the
13 CDPH and Cal/OSHA issued guidelines for card rooms that choose to conduct gambling
14 outdoors (Outdoor Guidelines).³ Per the Statewide Public Health Officer Order (Public Health
15 Order) effective August 31, 2020,⁴ card rooms must follow the Outdoor Guidelines that are
16 issued to preserve public health, safety, and welfare. Further, on September 9, 2020, the
17 Commission advised all card rooms that they "must come into compliance with all outdoor
18 gambling requirements as soon as possible, but no later than Monday, September 28, 2020."⁵

21 ² A copy of Executive Order N-60-20 may be viewed at:
22 <https://www.gov.ca.gov/wp-content/uploads/2020/05/5.4.20-EO-N-60-20.pdf>

23 ³ See fn. 1, *supra*.

24 ⁴ A copy of this document may be viewed at:
25 https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/8-28-20_Order-Plan-Reducing-COVID19-Adjusting-Permitted-Sectors-Signed.pdf

26 ⁵ A copy of the Commission's advice may be viewed at:
27 <http://www.cgcc.ca.gov/documents/enabling/2020/COVID19/09.09.2020%20-%20Notice%20to%20Industry%20-%20Outdoor%20Gambling.pdf>
28

1 5. Owner currently conducts gambling-related activities at the Casino in violation of
2 the Public Health Order and the Outdoor Guidelines. The Casino's so-called outdoor facility is
3 open to the public, but does not comply with, and violates, the Public Health Order and the
4 Outdoor Guidelines. The Casino remains open and operating while not complying with, and in
5 violation of, the law. The Casino's continued operation thus endangers the public health,
6 safety, and general welfare.

7 6. In view of the foregoing, the Casino's opening and continued operation without
8 complying with the Public Health Order, the Outdoor Guidelines and other applicable state and
9 local rules, regulations, and orders poses an immediate threat to the public health, safety, and
10 welfare. The Casino's opening and continued operation without complying with the Public
11 Health Order, the Outdoor Guidelines and other applicable state and local rules, regulations, and
12 orders also undermine the public's trust and confidence that the Casino employs and maintains
13 suitable methods of operation to protect the public health, safety, and general welfare.

14 **AUTHORITY FOR EMERGENCY ORDER**

15 7. Public trust and confidence in licensed, controlled gambling can be maintained
16 only by strict compliance with the laws and regulations related to the operation of licensed
17 gambling establishments. (Bus. & Prof. Code, § 19801, subd. (h).)

18 8. All gambling establishments must be operated in a manner suitable to protect the
19 public health, safety, and general welfare of the state's residents. The responsibility for the
20 employment and maintenance of suitable methods of operation rests with the licensed owner.
21 (Bus. & Prof. Code, § 19920.)

22 9. No licensed owner shall operate a gambling enterprise in violation of any
23 provision of the Gambling Control Act or any regulation adopted pursuant thereto. (Bus. &
24 Prof. Code, § 19922.)

25 10. The Bureau may issue an emergency order against an owner licensee when the
26 Bureau deems it reasonably necessary for the immediate preservation of the public peace,
27 health, safety, or general welfare. (Bus. & Prof. Code, § 19931, subd. (a).)

28 11. This Emergency Order is effective immediately upon issuance and service on


1 Owner or upon any agent of Owner registered with the Bureau for receipt of service. (Bus. &
2 Prof. Code, § 19931, subd. (c).)

3 12. This Emergency Order is effective until further order of the Commission or until
4 final disposition of any proceeding conducted pursuant to Business and Professions Code
5 section 19931, subdivision (d). (Bus. & Prof. Code, § 19931, subd. (c).)

6 13. Among other rights, the person or entity against whom this Emergency Order has
7 been issued and served is entitled to a hearing that, if so requested, shall commence within 10
8 business days of the date of the request if a gambling establishment is closed by the order, and
9 in all other cases, within 30 calendar days of the date of the request. On application of the
10 Bureau, and for good cause shown, a court may extend the time within which the hearing is
11 required to be commenced, upon those terms and conditions that the court deems equitable.
12 (Bus. & Prof. Code, § 19931, subd. (d).)

13 IT IS SO ORDERED.

14
15 Dated: October 15, 2020


STEPHANIE SHIMAZU, Director
California Department of Justice,
Bureau of Gambling Control